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16 *Attorneys for Plaintiff Blanqi LLC*

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19

20 BLANQI LLC,

21 Plaintiff,

22 v.

23 BAO BEI MATERNITY and  
SUZANNE KOVAL, individually,

24 Defendants.  
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**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

1 Plaintiff, Blanqi LLC, by and through its undersigned counsel, hereby alleges and avers for  
2 its complaint against Defendants Bao Bei Maternity and Suzanne Koval, as follows:

3 **PARTIES**

4 1. Plaintiff Blanqi LLC (“Blanqi” or “Plaintiff”) is a limited liability company  
5 organized and existing under the laws of the State of Georgia, having its principal place of  
6 business at 781 Wheeler Street NW, Studio 12, Atlanta, GA 30318.

7 2. Upon information and belief, Defendant Bao Bei Maternity (“Bao Bei”) is a  
8 business having its principal place of business at 2213 Harbor Bay Parkway, Alameda, CA 94502.

9 3. Upon information and belief, Defendant Suzanne Koval (“Koval,” and collectively  
10 with Bao Bei, “Defendants”) is the owner of Bao Bei and resides at 29040 Eden Shores Drive,  
11 Hayward, CA 94545.

12 **JURISDICTION AND VENUE**

13 4. This Court has original jurisdiction over this action pursuant to 15 U.S.C. § 1121(a)  
14 and 28 U.S.C. §§ 1331, 1332, and 1338(a) based on Blanqi’s claims for trademark infringement  
15 arising under the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*

16 5. This Court has original jurisdiction over the claims of unfair competition pursuant  
17 to 28 U.S.C. § 1338(b), as those claims are joined with substantially related claims herein under  
18 the Lanham Act.

19 6. This Court has supplemental jurisdiction over the state law unfair competition  
20 claims pursuant to 28 U.S.C. § 1367(a).

21 7. Upon information and belief, Koval resides in this judicial district and is actively  
22 engaged in promoting, advertising, marketing, and offering services and doing business within this  
23 judicial district.

24 8. Upon information and belief, Bao Bei has its principal place of business in this  
25 judicial district and is actively engaged in promoting, advertising, marketing, or offering its  
26 services and doing business within this judicial district.

27 9. Upon information and belief, this Court has personal jurisdiction over both  
28 Defendants.



1 marketed a sports bra on Instagram in connection with the trademark SPORTY SUPPORT in May  
2 2017.

3 20. Blanqi sent a letter on June 22, 2017 to Defendants advising that Bao Bei's use of  
4 the SPORTY SUPPORT mark in connection with sports bras constituted infringement of Blanqi's  
5 SPORTSUPPORT trademark.

6 21. Upon information and belief, Defendants continue to willfully infringe Blanqi's  
7 SPORTSUPPORT trademark through Defendants' marketing of sports bras in association with the  
8 SPORTY SUPPORT mark.

9 22. Over the course of at least 2016 and 2017, Defendants have copied various original  
10 text and the overall appearance, including color schemes, fonts, and the general layout and style,  
11 created by Blanqi on Instagram, Facebook, Twitter, and Blanqi's company website ("Copied  
12 Materials").

13 23. A substantial number of the copied texts were posted on Instagram the same day or  
14 just a few days after posts by Blanqi while others took place within just months of Blanqi's posts.

15 24. Examples of these posts include the posting by Defendants of the slogan  
16 "motherhood inspired" on Instagram on January 31, 2017 after Blanqi posted the slogan "Inspired  
17 by Motherhood" on Instagram that same day; the posting by Defendants of the expression "360  
18 degrees" on Instagram on May 13, 2017 after Blanqi posted the same expression the same day;  
19 and the posting by Defendants of the expression "the most coveted maternity support" on  
20 September 8, 2016 after Blanqi posted the expression "the most coveted . . . support" just days  
21 earlier on August 27, 2016. These examples as well as additional examples of similar acts of  
22 copying by Defendants, including social media posts, are shown in Exhibit A attached hereto.

### 23 **FIRST CLAIM FOR RELIEF**

#### 24 **False Designation Of Origin In Violation Of 15 U.S.C. § 1125(a)**

25 25. Plaintiff repeats and realleges the preceding allegations as if restated in full herein.

26 26. Defendants' use of the SPORTY SUPPORT trademark is likely to cause confusion,  
27 or to cause mistake, or to deceive as to the affiliation, connection, or association, with Blanqi and  
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1 its SPORTSUPPORT trademark in violation of Sections 35(a) and 43(a) of the Lanham Act  
2 (15 U.S.C. § 1125(a)).

3 27. The aforesaid acts of Defendants were committed willfully, knowingly, and in  
4 conscious disregard of its legal obligations to Plaintiff.

5 28. Blanqi has been damaged by Defendants' infringement of the SPORTSUPPORT  
6 trademark and is suffering, and will continue to suffer, irreparable harm and damage to its  
7 property and business as a result of Defendants' infringement unless such infringement is enjoined  
8 by this Court.

### 9 **SECOND CLAIM FOR RELIEF**

#### 10 **Unfair Competition Under California Bus. & Prof. Code § 17200 *et seq.***

11 29. Plaintiff repeats and realleges the preceding allegations as if restated in full herein.

12 30. The aforesaid acts of Defendants constitute unfair competition as they are unlawful,  
13 unfair, deceptive, and misleading and are thus prohibited by Section 17200, *et seq.*

14 31. Defendants marketing and sales of products using the SPORTY SUPPORT mark  
15 and their use of Copied Materials constitute unfair competition. Those acts also evidence an  
16 overall scheme to deceive customers of the competing products of Blanqi and Bao Bei as to the  
17 origin of such products, and to improperly trade on Blanqi's creative and proprietary marketing  
18 materials.

19 32. Blanqi has been damaged by Defendants' acts of unfair competition and is  
20 suffering, and will continue to suffer, irreparable harm, lost profits, and damage to its property and  
21 business as a result of Defendants' acts of unfair competition unless such acts are enjoined by this  
22 Court.

### 23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff prays that this Court grant relief in its favor for the following:

25 A. A judgment that the Defendants have infringed Blanqi's SPORTSUPPORT  
26 trademark;  
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1 B. A judgment that the Defendants have willfully infringed Blanqi's  
2 SPORTSUPPORT trademark;

3 C. A preliminary and a permanent injunction as provided by 15 U.S.C. § 1116  
4 enjoining Defendants and their officers, agents, servants, employees, attorneys, and all other  
5 persons in active concert or participation with any of them, from selling, offering for sale,  
6 distributing or advertising clothing in connection with the SPORTY SUPPORT trademark or any  
7 trademark that is likely to be confused with Blanqi's SPORT SUPPORT trademark;

8 D. A declaration that Defendants have infringed Blanqi's SPORTSUPPORT  
9 trademark; and an order requiring Defendants, at the conclusion of this matter, to deliver to  
10 Blanqi, or destroy, all materials in its possession bearing the SPORTSUPPORT mark, together or  
11 individually;

12 E. An accounting to determine Defendants' profits in connection with sales of  
13 products or services identified by the SPORTSUPPORT mark, together or individually, or use by  
14 Defendants of any mark, badge, or designation likely to be confused with the foregoing, and an  
15 award to Plaintiff of such profits;

16 F. An award of compensatory damages arising out of Defendants' infringing uses of  
17 the SPORTY SUPPORT trademark, and trebling such damages as provided by 15 U.S.C.  
18 § 1117(a);

19 G. A preliminary and permanent injunction as provided by California Bus. & Prof.  
20 Code § 17203 enjoining the Defendants and their officers, agents, servants, employees, attorneys,  
21 and all other persons in active concert or participation with any of them, from further engaging in  
22 the aforesaid acts of unfair competition;

23 H. An award of restitution and lost profits resulting from Defendants' acts of unfair  
24 competition as provided by California Bus. & Prof. Code § 17203;

25 I. An award of Plaintiff's reasonable attorney fees and the costs of this action,  
26 including those provided by 15 U.S.C. § 1117(a), on the ground that this is an exceptional case;

27 J. An award of prejudgment and post judgment interest on the above monetary  
28 awards; and

1 K. An award of such other and further relief as this Court deems equitable and just.

2 **JURY DEMAND**

3 Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by a jury on all issues so  
4 triable.

5 DATED: October 5, 2017

Respectfully submitted,

6 SEVERSON & WERSON  
7 A Professional Corporation

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9 By: /s/ William A. Aspinwall  
10 William A. Aspinwall

11 Attorneys for Plaintiff  
12 Blanqi LLC  
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